

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### BIDEN ADMINISTRATION

Mr. MCCONNELL. Mr. President, early on, a major theme of the Biden administration has been false advertising. We have the so-called COVID relief bill that broke a long bipartisan streak on pandemic response and only spent 1 percent of the money on vaccinations.

We have the reintroduction of a sprawling election takeover bill that Democrats wrote years ago under the guise that it is a commonsense voting rights bill.

We have a President who ran on protecting norms flirting with proposals to hot-wire the Senate rules and pack the Supreme Court. And then we have the latest example, where even one Ivy League expert says Democrats' spin "does a bit of violence to the English language." They have assembled a patchwork of leftwing social engineering programs and want to label it "infrastructure."

Now, as I pointed out before, the first notable thing about the Biden administration's plan is what it doesn't focus on. Less than 6 percent of the alleged infrastructure bill would invest in roads and bridges. The total amount of funding it would direct to roads, bridges, ports, waterways, and airports combined—all together—adds up to less than what it would spend just on electric cars.

The far left sees a strong family resemblance between these proposals and their socialist Green New Deal. Yesterday, the House and Senate authors of that manifesto reintroduced it, while noting and boasting that the DNA of the Green New Deal is all over President Biden's legislative proposals. No wonder that White House's document rolling out the President's bill mentioned the words "climate" and "union" more often than "roads" and "bridges."

It would pick winners and losers in automotive manufacturing. It would force-feed the electrical grid some of the least reliable forms of energy. It would hector school cafeterias to stop using paper plates and force new standards and mandates on family homes.

And the relative pittance this proposal does allocate to actual infrastructure would have to creep through a tangled environmental review process. Without serious permitting reform,

it won't build back better; it will build back never.

But at least some of these bad ideas have a tangential relationship to the actual concept of infrastructure, not so for some other statements we have heard from actual Democrats in recent days:

Climate action is infrastructure.

Police accountability is infrastructure.

Caregiving is infrastructure.

Supreme Court expansion is infrastructure.

Now, unsurprisingly, this liberal omnibus is not exactly an efficient engine for driving our economy. The White House's inflated claims of expected job creation have been fact-checked and received Pinocchios from the Washington Post.

Even under the rosier scholarly assumptions—the rosier assumptions—the White House's own favored estimates, taxpayers would pay more than \$800,000 for each job the plan might create. Now, I know a lot of small businesses that could create more than one job if we handed them \$800,000.

And then there are the tax hikes. This proposal is a Trojan horse to roll back the historic 2017 tax reform plan that helped spur big-time wage growth and the best job market in a generation before COVID-19. So the administration's proposal bears little resemblance to the bipartisan infrastructure bill Americans need and deserve. It just reads like customer service for the radical fringe.

#### NOMINATION OF VANITA GUPTA

Mr. MCCONNELL. Mr. President, now on another matter, over the past few months, Senate Republicans have made clear we believe a President is entitled to choose qualified, mainstream nominees to staff the executive branch and receive prompt and fair treatment from the Senate. I would say the 50 Senate Republicans have treated President Biden's nominees considerably more fairly than Senate Democrats treated the last President's, but the nominee we are considering this week is way outside the mainstream.

I will strongly oppose confirming Vanita Gupta to serve as Associate Attorney General, and I would urge colleagues to do the same. Ms. Gupta has spent her career, in large part, as an activist for leftwing causes. Her work for high-profile liberal interest groups and the Obama Justice Department have left a record of astoundingly radical positions. Those far-left positions were loud and proud until this prospect of promotion seemed to change the nominee's tune.

Previously, this nominee stated that "states should decriminalize simple possession of all drugs." She said "states should decriminalize simple possession of all drugs." Ah, but now Ms. Gupta claims her position has "evolved."

At her confirmation hearing, she refused to say she would accept any—any—limitation on abortions, up to

and including partial-birth. That puts her at odds with nearly 70 percent of Americans across the political spectrum.

Recently, Ms. Gupta has insisted she can be trusted to oppose efforts to defund law enforcement, but she told the Judiciary Committee just last year that State and local leaders should "heed calls" from groups demanding that they decrease—decrease—police budgets.

This nomination has revealed a lengthy trail of radical claims and hasty backtracks, but there are also questions of temperament. The nominee has repeatedly amplified leftwing fearmongering toward judicial nominees and sitting Federal judges. She has levied ad hominem attacks on Members of this body. And during the confirmation process, she employed the loosest possible interpretation of her oath to deliver honest testimony, even drawing the ire of the liberal Washington Post for transparent flip-flops and misleading Senators about her own public statements.

This nominee contrasts sharply—sharply—with the resume and reputation of Attorney General Garland, whom I voted to confirm. The White House needs to make a better choice for this key post. The Senate should create that opportunity by voting no today.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Vanita Gupta, of Virginia, to be Associate Attorney General.

The ACTING PRESIDENT pro tempore. The majority whip.

#### INFRASTRUCTURE

Mr. DURBIN. Mr. President, before making a comment related to Vanita Gupta, which is before the Senate, I would like to respond briefly to the minority leader Senator MCCONNELL's remarks.

The Senate is a venerable institution, but when it comes to defining infrastructure in the 21st century, what we are hearing from the other side of the aisle is not venerable thinking. It

isn't even old-fashioned thinking. It isn't in tune with the times in America. It doesn't reflect reality.

For the Republicans to argue that unless it is bricks and mortar, the government shouldn't be involved in building it for the good of the economy and the strength of business and good-paying jobs really is sinking their head deep into the sand.

And I think we ought to make a record, at least for the moment, that in the last 4 years of the last Presidential administration, there were no infrastructure bills—none. After all the promises of the Trump campaign and what he would bring, nothing happened—nothing. So to be lectured by the Republicans about what infrastructure is all about is to suggest to them that they missed a golden opportunity to help America, and we are not going to miss it.

To think that the Republican definition of infrastructure in America does not include the expansion of broadband coverage across this Nation—what are they thinking? Their minds are back 10 and 20 years ago.

Is broadband coverage for all Americans in every corner of this country a socialist idea to the Republicans? I think it is a commonsense idea to the people of America. They know it when their kids have laptops, and they have to sit in the parking lot of a library or next to a McDonald's or Starbucks in order to get access. They know what that means to their child, to their student in terms of their progress. Businesses know it too.

Try to advertise some section of America without access to broadband coverage to locate a new business. It is a laughing matter, and we know it.

So when President Biden suggests that broadband is part of infrastructure in America and then he is mocked as being a socialist by the Republicans, we have a clear definition of where the party values are today.

When it comes to other basic things, the Senator from Kentucky just doesn't empathize with what families go through to put people on the job. It isn't just a matter of finding a good job and being qualified to fill that job. There is also a family concern—a family concern that can literally make a difference as to whether you take that job.

The Democrats believe that childcare—affordable quality childcare—is part of the equation in terms of good-paying jobs being filled by Americans, where families want to be sure their kids are safe.

Is that socialism? Is that another example of socialism for the Republicans—quality daycare, affordable for families? It is not socialism in my book. It is a family value. That is why I think the efforts of the Republicans to run down President Biden's attempts to strengthen this economy really are antiquated and perhaps not in the best interest of this country.

#### NOMINATION OF VANITA GUPTA

Mr. President, we will be voting in a few minutes on Vanita Gupta.

Yesterday was a day that many Americans will never forget with the decision in a trial in Minnesota, carefully watched by millions across America and around the world. The death of George Floyd was a stark moment, when one piece of videotape has been emblazoned in the minds of people in the United States and around the world.

Under the knee of Officer Chauvin, George Floyd lost his life on a street in Minneapolis. Whether there would be accountability and justice as a result was an unanswered question until yesterday, and the answer came through loud and clear. The jury spoke, and justice was served. And now we have a responsibility to move forward.

The reason I make reference to that in light of the nomination of Vanita Gupta is the fact that the path to civil rights progress in America is often difficult and, for those who try to lead, often a lonely battle.

Vanita Gupta has taken more than her fair share of criticism from the Republican side of the aisle. I sometimes find it hard to believe that this amazing, outstanding, remarkable young woman is being degraded by so many Republicans when she comes to the floor for consideration by the Senate.

She has a record that is incredible. She is the right person for this job in the Department of Justice as Associate Attorney General. She is unquestionably well-qualified. She would be the first civil rights attorney and the first woman of color to be an Associate Attorney General. And, you know, I think that is at the heart of the problem as far as some Republicans are concerned. They are just not ready for that kind of change. Well, they should be.

Anybody who has turned on the news in the last week has seen that we need police reform in this country. We need to repair the relationship between law enforcement and the communities they serve.

Vanita Gupta has a proven track record of doing just that. As head of the Justice Department's Civil Rights Division, she led efforts to reform police departments across the Nation, and she did it in a way that brought people together: civil rights advocates, community leaders, and police and law enforcement. As a result, she has incredibly broad support.

When I hear them talk about defunding the police and how she is anti-police, how in the world do the Republicans explain the fact that she has the support of every major law enforcement group in this country? They just conveniently ignore that fact. If anything they said were true—really true—do you think that the Fraternal Order of Police would be standing behind her, as well as the civil rights community?

Consider this statement from the Federal Law Enforcement Association.

They said: “Ms. Gupta has a proven history of working with law enforcement agencies, corrections officials, advocates, stakeholders, and elected officials across the political spectrum.”

That is an incredible statement for an attorney—a civil rights attorney—who has not shied away from the battle, has walked into the most controversial situations in her time, and has proven over and over that she can not only just get the job done but she can do it to the satisfaction of both sides believing she was fair in the process.

She has the support of outstanding conservatives like Grover Norquist, Michael Chertoff, and Mark Holden, former counsel of Koch Industries.

I listened to the Republicans' baseless charges and smears against Ms. Gupta last week, and I find it amazing that they can ignore every law enforcement group that supports her and every leading conservative spokesman who has come out for her.

She has been the head of the Department's Civil Rights Division. She led efforts to prosecute human trafficking, combat religious discrimination, protect the rights of men and women in uniform, and to ensure that members of our military are not taken advantage of.

She has a career as a civil rights lawyer. This book tells the story. Six months out of law school, working for the Legal Defense Fund, she ended up taking an assignment in Tulia, TX. Why did she take this assignment? Because, when she did, there were some 40 people who had been arrested in this town. One out of every five Black adults in town was behind bars, all accused of dealing cocaine to the same undercover officer, Tom Coleman.

Coleman, the son of a well-known Texas ranger, had been named “Officer of the Year” in Texas. Not until after the trials in which Coleman's uncorroborated testimony secured sentences as long as 361 years—that is not a typo, 361 years—did it become apparent that Mr. Coleman had misrepresented his own qualifications and, sadly, misrepresented all of the cases before him.

Two dozen people were in prison, most of them African Americans. The town of Tulia had become a battlefield in the national debate over the war on drugs. And who was sent into this to represent the civil rights of those sitting in jail, who had been wrongly convicted? Vanita Gupta. Six months out of law school, she went down to Texas.

I would imagine that, 6 months out of law school, I was still searching for the right place to eat lunch with a partner in a firm—but not her. She went down there and became an outstanding advocate. And what happened as a result? As a result of her efforts and the efforts of other civil rights attorneys and the courage they showed, the determination they showed, the Republican Governor of Texas, Perry,